

## Office of the Governor

### STATE OF WYOMING EXECUTIVE DEPARTMENT

#### Executive Order

2006 - 4

#### Wyoming Response to Diesel Fuel Supply Shortages

The diminished availability of diesel fuel in the Rocky Mountain Region, including Wyoming, is causing a continuing negative impact on the commercial vehicle industry and those who act in reliance upon the availability of diesel fuel.

Wyoming Statute § 31-18-104 provides that the Wyoming Department of Transportation (WYDOT) shall supervise and regulate the operations of motor carriers and shall promulgate and enforce rules and regulations as necessary to carry out the provisions of the Commercial Vehicles Act. WYDOT has duly promulgated rules and regulations that include adoption of specific federal regulations, including 49 CFR § 390.23. That regulation provides for the declaration of a local emergency by a state official which shall allow for exemptions from 49 CFR §§ 390-399.

Information obtained indicates that there is a diesel fuel shortage in Wyoming. The shortage is not created by the unavailability of crude oil, but rather by the temporary inability of the refineries to produce sufficient amounts of low sulphur diesel fuel to meet current demands. Commercial carriers of diesel fuel are required to wait for several hours at refineries to load diesel fuel. The waiting period impacts the motor carriers' allowed hours of service during a 14 hour on-duty period, thereby decreasing the amount of diesel fuel that can be delivered to locations within the State of Wyoming.

Therefore, pursuant to Wyoming Statutes and the rules promulgated by WYDOT, it is hereby determined that a local emergency exists under 49 CFR § 390.23.

Effective immediately, for a period of 30 days, the enforcement of Wyoming Statute § 31-18-303 pertaining to the adoption of 49 CFR § 395.3a2 (14 hours of service rule), shall be amended to read and enforced as: NO DRIVER OF A COMMERCIAL VEHICLE SHALL BE ALLOWED TO DRIVE MORE THAN 11 HOURS IN A TWENTY-FOUR HOUR PERIOD. THIS AMENDMENT SHALL APPLY ONLY TO COMMERCIAL VEHICLES HAULING DIESEL FUEL, AND HAULING SUCH DIESEL FUEL WITHIN THE STATE OF WYOMING. All other statutes and rules will remain in full force and effect.



John Cox, Director  
Wyoming Department of Transportation

Given under my hand and the Executive Seal of the State of Wyoming, this 10th day of August 2006.



Dave Freudenthal  
Governor